

10/540379

JC20 Rec'd PCT/PTO 23 JUN 2005
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yoshiyuki KAWAZOE et al.

Serial No.:

herewith

Filed:

June 23, 2005

For: Multiple Particles And Method For
Preparation Thereof

Docket No.:

65,361-001

Group Art Unit:

unknown

Examiner:

unknown

I hereby certify that the enclosed Information Disclosure Statement and attached SB/08A and SB08B are being deposited with the United States Postal Service as Express mail, Label No. EV612874064US postage prepaid, in an envelope, addressed to Mail Stop PCT, Commissioner of Patents, PO BOX 1450, Alexandria, VA 22313-1450, on the date shown below.

June 23, 2005
Date

Sandra Barry
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Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Applicant(s) submit(s) herewith patents, publications, or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 C.F.R. §1.56.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner.

- ☒ Submitted herewith is Form PTO/SB/08A and or PTO/SB/08B (Modified) listing patents, publications, or other information for consideration by the Office.

COPIES PROVIDED:

- ☒ Legible copies of all items listed on Form PTO/SB/08A and or PTO/SB/08B accompany this Information Disclosure Statement, except copies of U.S. patents, U.S. patent application publications, copies of U.S. applications that were filed on or after June 30, 2003, and copies of U.S. applications that were filed before June 30, 2003 that are available in the Image File Wrapper System.
- ☐ Under 35 U.S.C. §120, this application relies on the earlier filing date of prior application Serial No. [], filed on []. The following references were submitted to and/or cited by the Office on this prior application and are therefore not required to be provided in this

application:

- ☐ In accordance with 37 C.F.R. §1.98(c), a copy of only [] is being submitted with this Information Disclosure Statement, and is cumulative of the following patents or publications listed on Form PTO/SB/08A:

FOREIGN LANGUAGE DOCUMENTS

- ☐ There are no foreign language documents listed on Form PTO/SB/08A.
- ☒ English language abstract for the following non-English references are enclosed:

| <u>Foreign Patent Document</u> | <u>Publication Date</u> | <u>Name of Patentee or Applicant of Cited Document</u> |
|---------------------------------------|--------------------------------|---|
| JP 08-024626 | 01/30/1996 | Shigeru et al. |
| JP 2001-026407 | 01/30/2001 | Katsutoshi et al. |

- ☐ Submitted herewith is an English translation of the following foreign language patents, publications or information or of portions of those patents, publications or information considered to be material:
- ☒ No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.
- ☒ The following foreign language documents are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith:

| <u>Cited Art</u> | <u>English Equivalent</u> |
|-------------------------|----------------------------------|
| JP 6-319986 | EP 0 601 594 |

- ☐ Submitted herewith is an English language version of a PCT search report listing information not in the English language and indicating the degree of relevancy found by the International Bureau of WIPO, in satisfaction of the requirement (under 37 C.F.R. §1.98(a)(3)) for a concise explanation of the relevance of non-English information.
- ☒ A concise explanation of the relevance of the following listed non-English language information is included as presently understood by the individual designated in 37 C.F.R. §1.56(c) most knowledgeable about the content of the information as set forth below:

Foreign Patent Document

Explanation of Relevance

JP 8-024626

This document was cited by the international Searching Authority in the International Search Report as a category "A" document and its relevance as presently understood is obtained from the English language abstract which indicates that this document discloses a method of preparing ultrafine particles of a chalcogen compound.

JP 2001-026407

This document was cited by the international Searching Authority in the International Search Report as a category "A" document and its relevance as presently understood is obtained from the English language abstract which indicates that this document discloses a method of obtaining nanometer level micro-particles of sialon.

- ☐ A concise explanation of the relevance of the following listed non-English language information is set forth in the above-identified specification:

CERTIFICATION:

- ☒ The Information Disclosure Statement transmitted herewith is being filed **within** three (3) months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office Action on the merits, whichever event occurs last. 37 C.F.R. §1.97(b). Accordingly, it is believed that no certification or fee is due.
- ☐ The Information Disclosure Statement transmitted herewith is being filed **after** three (3) months of the filing date of the application or the date of entry into the national stage of an international application or after the mailing date of the first Office Action on the merits, whichever event occurred last but **before** the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, whichever occurs first. Accordingly, I hereby certify that:
- ☐ each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement; 37 C.F.R. §1.97(e)(1); **OR**
- ☐ no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **OR**
- ☐ Applicant elects the option to pay the fee set forth in 37 C.F.R. §1.17(p) for submission of an Information Disclosure Statement under 37 C.F.R. §1.97(c). If a check is not enclosed, please charge the **\$180.00** IDS submission fee to Howard & Howard Attorneys PC **Deposit Account No. 08-2789**. A duplicate of this paper is enclosed.
- ☐ The Information Disclosure Statement transmitted herewith is being filed **After a Final Action** under 37 C.F.R. §1.113, or **After a Notice of Allowance** under 37 C.F.R. §1.311, whichever occurs first, but is being filed on or **Before Payment of the Issue Fee**. Accordingly, I hereby certify that:
- ☐ each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the statement; 37 C.F.R. §1.97(e)(1); **OR**
- ☐ no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge as the person signing this certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of this statement; 37 C.F.R. §1.97(e)(2); **AND**
- ☐ Applicant hereby petitions for consideration of this Information Disclosure Statement; 37 C.F.R. §1.97(d)(2)(ii). If a check is not enclosed, please charge the petition fee of **\$180.00** Howard & Howard Attorneys PC **Deposit Account No. 08-2789**. A duplicate of this paper is enclosed.

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The Commissioner is authorized to charge Howard & Howard Attorneys PC Deposit Account No. 08-2789 for any additional fees due hereunder.

Respectfully submitted

Reg. No.: 46,295



David M. LaPrairie

June 23, 2005
Date

Howard & Howard Attorneys PC
The Pinehurst Office Center, Suite 101
39400 Woodward Avenue
Bloomfield Hills, MI 48304-5151
Tel. No. 248-723-0442

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| Substitute for form 1449A/PTO | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Application Number | 10/540379 |
| | | Filing Date | June 23, 2005 |
| | | First Named Inventor | Kawazoe et al. |
| | | Art Unit | unknown |
| | | Examiner Name | unknown |
| Sheet 1 of 2 | Attorney Docket Number | 65,361-001 | |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|---|--------------------------------|--|---|
| Examiner Initials | Cite No. ¹ | U.S. Patent Document Number-Kind Code ² (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| FOREIGN PATENT DOCUMENTS | | | | | | |
|--------------------------|-----------------------|---|--------------------------------|--|---|----------------|
| Examiner Initials | Cite No. ¹ | Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known) | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | T ₆ |
| /LK/ | | EP 0 601 594 | 12/10/1993 | Sunahara et al | | |
| /LK/ | | JP 08-024626 | 01/30/1996 | Shigeru et al. | | |
| /LK/ | | JP 6-319986 | 11/22/1994 | Kazuo et al. | ✓ | |
| /LK/ | | JP 2001-026407 | 01/30/2001 | Katsutoshi et al. | ✓ | |
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| Examiner Signature | /Leszek Kiliman/ | Date Considered | 04/27/2008 |
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard St. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 C.F.T. 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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| Substitute for form 1449A/PTO | | Complete if Known | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | Application Number | 10/540379 |
| | | Filing Date | June 23, 2005 |
| | | First Named Inventor | Kawazoe et al. |
| | | Art Unit | unknown |
| | | Examiner Name | unknown |
| | | Attorney Docket Number | 65,361-001 |
| Sheet | 2 | 2 | |

| NON PATENT LITERATURE DOCUMENTS | | | |
|---------------------------------|--------------------------|---|----------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| /LK/ | | English language Abstract for JP 08-024626 extracted from <u>Searching PAJ</u> database dated 06/14/2005 | |
| /LK/ | | English language Abstract for JP 6-319986 extracted from <u>espacenet.com</u> database dated 6/21/2005 | |
| /LK/ | | English language Abstract for JP 2001-026407 extracted from <u>Searching PAJ</u> database dated 6/14/2005 | |
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| Examiner Signature | /Leszek Kiliman/ | Date Considered | 04/27/2008 |
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFT 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.